

Existing law defines the crime of stalking as the willful, malicious, and repeated following or harassing of another with the intent to place the victim in fear of death or bodily injury. Provides for incarceration of up to one year, a fine of up to \$2,000, or both, for persons convicted of stalking. Provides for an enhanced penalty of imprisonment of one to three years, a fine of \$1,500 to \$5,000, or both when the stalker is at least 13 years old and the victim is 12 years old or younger and reasonably fears for death or bodily injury of themselves or a family member.

New law retains these provisions of existing law and further provides that if the victim is under the age of 18 and when the above provisions of existing law regarding victims under the age of 12 are not applicable, the offender is imprisoned for up to one year, with or without hard labor, fined up to \$2,000, or both.

Existing law provides for an enhanced penalty requiring a fine of \$1,000, incarceration for one year, with or without hard labor, or both, when the stalker uses a dangerous weapon while stalking.

New law retains these provisions of existing law and also makes the enhanced penalty applicable in cases where the offender is found beyond a reasonable doubt to have placed the victim in reasonable fear of death or bodily injury. New law also increases this enhanced penalty when the victim is under the age of 18, to imprisonment of not less than one year nor more than two years, with or without hard labor, a fine of \$1,000 to \$2,000, or both.

Existing law provides for the diminution of sentence for good behavior and performance of work or self-improvement programs (good time) for persons in the custody of DPS&C. Prohibits persons convicted of certain crimes from earning such good time.

New law retains existing law relating to good time. Allows the trial court the discretion to prohibit persons convicted of stalking from earning such good time.

Existing law provides that when a defendant alleged to have committed an offense against a family or household member is released on bail, and the court determines that he poses a danger to the victim, it shall condition bail on the defendant refraining from any contact with the victim. Provides for forfeiture of bail and the arrest of the defendant if this condition is violated.

New law retains this provision of existing law and further allows the court to place similar conditions of bail on persons alleged to have committed the offense of stalking.

Effective August 15, 1999.

(Amends R.S. 14:40.2(B)(1) and (2) and C.Cr.P. Art. 335.1(A); Adds R.S. 15:571.3(C)(5))